

namely, 1/6 grain kermes mineral (antimony sulfide, golden) per tablet. Misbranding, Section 502 (a), the label statements (bulk container) "Each tablet contains: Kermes Mineral 1/6 gr. (Antimony Sulfide, Golden)" and (relabeled bottle) "Each tablet contains: Kermes Mineral 1/6 gr." were false and misleading as applied to a product which contained less than 1/6 grain of kermes mineral (antimony sulfide, golden) per tablet.

The articles were adulterated and misbranded in the above respects when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: May 27, 1953. Default decree of condemnation and destruction.

4168. Adulteration and misbranding of clinical thermometers. U. S. v. 100 Thermometers * * *. (F. D. C. No. 35268. Sample No. 47630-L.)

LIBEL FILED: May 21, 1953, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about March 20, 1953, by the Cardinal Thermometer Co., from Brooklyn, N. Y.

PRODUCT: 100 *clinical thermometers* at New Orleans, La. Examination of 24 thermometers showed that 3 would not give accurate readings.

LABEL, IN PART: (Etched on thermometer) "Cardinal Oral"; (insert in 6-unit package) "Certificate of Examination Clinical Thermometer."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported to possess.

Misbranding, Section 502 (a), the following statements in the labeling of the article were false and misleading as applied to thermometers which failed to comply with the tests and specifications mentioned: (Insert) "* * * This certifies that the enclosed thermometers have been tested at 98°, 102° and 106° F. and are correct within plus or minus 2/10 F. at any of these test points. This test is governed by a Standard Thermometer which has been tested and approved by the Bureau of Standards, Washington, D. C. All our thermometers are manufactured in accord with their specifications. (C. S. 1-32 Department of Commerce.)" and "The enclosed thermometers are guaranteed to be of absolute accuracy."

DISPOSITION: June 23, 1953. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

4169. Misbranding of Alfamint tablets, alfalfa tablets, alfalfa leaves, Alfa-Mint leaves, alfalfa seed tea, and alfalfa seed. U. S. v. 204 Bottles, etc. (F. D. C. No. 35279. Sample Nos. 20577-L to 20582-L, incl.)

LIBEL FILED: May 28, 1953, District of Minnesota.

ALLEGED SHIPMENT: On or about January 13 and February 23, 25, and 26, 1953, from Huntington Park and Imperial, Calif.

PRODUCT: 204 200-tablet bottles of *Alfamint tablets*, 6 200-tablet bottles of *alfalfa tablets*, 278 4-ounce packages of *alfalfa leaves*, 75 pounds of *alfalfa leaves* in a bulk container, 235 4-ounce packages of *Alfa-Mint leaves*, 225 8-ounce packages and 302 16-ounce packages of *alfalfa seed tea*, and 60 pounds of *alfalfa seed* in a bulk container, at Minneapolis, Minn., in the possession of

*See also Nos. 4166-4168.

the Pavo Co., together with a number of booklets entitled "Medicinal Value of Natural Foods," a number of leaflets entitled "Arthritic Pain Pavo Alfalfa May Be Your Answer," and a number of placards headed "Arthritic Pains? Alfalfa May Be Your Answer."

RESULTS OF INVESTIGATION: The articles were shipped in bulk containers from California, and upon their receipt by the Pavo Co., were in whole or in part repackaged and relabeled by the consignee. In the case of the *Alfa-Mint leaves*, investigation indicated that the consignee mixed some peppermint leaves with alfalfa leaves, but that the article was essentially alfalfa leaves flavored with peppermint. As to the above-mentioned printed matter, investigation disclosed that one copy of the booklet was on display in a showcase in the consignee's retail store and that other copies of the booklet were stored in cabinets in the retail store and in the consignee's wholesale branch. The leaflets were placed prominently at various places in the retail store where they could be seen readily and picked up by customers. The placards were displayed prominently in a show window and within the retail store.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned booklets, leaflets, and placards accompanying the articles were false and misleading. The statements represented and suggested that each of the articles was an adequate and effective treatment for arthritis, diabetes, tuberculosis, rheumatism, Bright's disease, toxemia, jaundice, neuralgia, insomnia, nervousness, syphilis, constipation, lumbago, hardening of the arteries, dropsy, prostatitis, anemia, skin eruptions, poor complexion, inflammation of the bladder, colds, fevers, and gonorrhea, and for building blood, providing sound teeth and bones, producing milk for nursing mothers, increasing assimilation, increasing appetite, and strengthening the digestive glands. None of the articles was an adequate and effective treatment for such diseases and conditions. The articles were misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: June 22, 1953. L. J. Audette, a partner in the Pavo Co., having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for relabeling in compliance with the law, under the supervision of the Department of Health, Education, and Welfare.

4170. Misbranding of Lusalfa tonic. U. S. v. 30 Bottles, etc. (F. D. C. No. 35295. Sample No. 78943-L.)

LIBEL FILED: June 4, 1953, Western District of Kentucky.

ALLEGED SHIPMENT: On or about April 24, 1953, by the Walton Laboratories, from Marengo, Ill.

PRODUCT: 30 8-ounce bottles of *Lusalfa tonic* at Louisville, Ky., together with a number of mimeographed leaflets headed "The Walton Laboratories Announce Lusalfa gets results in Diabetic Cases," "Gastric Physiology & Pathology," "Hydrochloric Acid And Vitamin B Complex Deficiency In Skin Disease," and "Diabetes Case Histories."

RESULTS OF INVESTIGATION: The labels which were on the bottles of the product when shipped were removed by the consignee. The label on a sample taken from a previous shipment stated that the article was prepared from natural young alfalfa with added papain, pepsin, oxgall, and hydrochloric acid.